

U.S. Department of Homeland Security  
601 S. 12<sup>th</sup> Street  
Arlington, VA 22202



**Transportation  
Security  
Administration**

DEC 12 2003

RADM Larry Hereth  
c/o Commandant (G-MP)  
United States Coast Guard  
2100 2<sup>nd</sup> Street, SW, Room 2406  
Washington, DC 20593-0001

Dear Admiral Hereth:

As requested in your staff's e-mail of October 29, 2003, I have determined that categories of information and records detailed in enclosure (1) constitute Sensitive Security Information (SSI). In the interest of ensuring consistent guidelines on the use and handling of SSI, enclosure (2) is provided for your information.

Yours truly,

A handwritten signature in dark ink, appearing to read "Chet Lunner".

Chet Lunner  
Assistant Administrator  
Office of Maritime & Land Security

- Enclosure (1): Designation of Sensitive Security Information  
Enclosure (2): Interim Sensitive Security Information (SSI) Policies and Procedures for  
Safeguarding and Control

## Designation of Sensitive Security Information

### Background

On November 25, 2002, the President signed into law the Maritime Transportation Security Act (MTSA), which established a new framework for maritime security, to be administered largely by the Secretary of the Department of Homeland Security (DHS), including through TSA, the Coast Guard, and the Bureau of Customs and Border Protection, along with the Maritime Administration of the Department of Transportation.

Primary elements of this framework are national, area, port, and facility and vessel security plans to be approved or required by DHS. Specifically, under the MTSA the Secretary of DHS must prepare a National Maritime Transportation Security Plan, which, in turn, will identify areas of the country for which DHS will adopt Area Maritime Security Plans. Section 70103 of MTSA also directs the Secretary of DHS to prescribe regulations requiring certain classes of vessels and maritime facilities to adopt plans for deterring a transportation security incident. 46 U.S.C. 70103(a).

The Coast Guard issued final rules on October 22, 2003, that require vessel and maritime facility operators to prepare security plans for Coast Guard approval. Currently these types of documents are not subject to the disclosure limitations of TSA's SSI regulation, nor are maritime facility and vessel operators subject to the regulation's requirements to protect these documents from unauthorized access or disclosure.

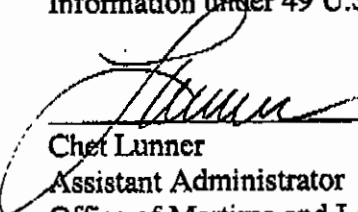
Pending amendment to TSA's SSI regulation to cover maritime security information, there is an immediate need to expand the existing legal protections governing SSI to maritime security, to the maximum extent possible under current regulation.

Under 49 U.S.C. 114(s) and 49 CFR 1520.7(k), TSA may designate as SSI any information obtained or developed in carrying out security that would be detrimental to the security of transportation if it were disclosed. The Coast Guard has requested that TSA designate the following information and records as SSI:

- (1) Any vessel, maritime facility, or port area security plan required or directed under Federal law;
- (2) Maritime Security Directives issued by the Coast Guard under 33 CFR Part 6; and
- (3) Navigation or Vessel Inspection Circulars issued by the Coast Guard related to maritime security.

Designation

Accordingly, in the interest of transportation security, I have determined that the foregoing categories of information and records containing such information constitute Sensitive Security Information under 49 U.S.C. 114(s) and 49 CFR 1520.7(k).

  
Chet Lunner  
Assistant Administrator  
Office of Maritime and Land Security

12/12/03  
Date